

REMARKS

Reconsideration of the present application is respectfully requested.

New claim 35 has been added. Support for this claim is found in the specification at paragraph [0050] of the published application. Therefore, Claims 1-5, 7-10, 12, 16, 19, 20, 22, 33, and 35 are pending. No new matter is added by way of the addition of new claim 35.

Applicants further submit amendments to the specification, specifically to paragraph [0050] of the published application. Applicants correct the spelling of the following three terms:

- ~~myristyil myristyl~~ ether (PPG-3)
- hydroxylated milk ~~glyeerdes~~ glycerides (Cremerol HMG)
- ~~chitesn~~ chitosan (Kytamer)

Applicants submit that these amendments serve to correct the spelling of the terms, which are known in the art. Support for these spelling corrections is found in the attached Exhibits A (myristyl), B (glycerids), and C (chitosan). No new matter is added by way of these corrections.

In view of the above remarks, it is respectfully requested that the application be allowed and passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,
BAKER BOTTS L.L.P.

Dated: January 29, 2010.



Sandra S. Lee
Patent Registration No.: 51,932
Attorney For Applicants

Lisa B. Kole
Patent Registration No.: 35,225
Attorney For Applicants
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2569
(212) 259-2569 (fax)

070050.2534
(Patent)

EXHIBIT A

International Cosmetic Ingredient Dictionary and Handbook

**Eleventh Edition
2006**

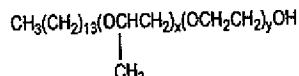
Editors
Tara E. Gottschalck
G. N. McEwen, Jr., Ph.D., J.D.

Volume 2

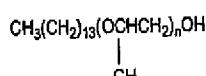
Published by
The Cosmetic, Toiletry, and Fragrance Association
1101 17th Street, NW, Suite 300
Washington, D.C. 20036-4702

JPN Translation: PPG - 25 メチルグルコース Definition: PPG-25 Methyl Glucose Ether is the polypropylene glycol ether of methyl glucose that conforms generally to the formula: $\text{CH}_3(\text{C}_6\text{H}_{10}\text{O}_5)(\text{OCHCH}_2)_n\text{OH}$ where n has an average value of 25. Information Source: JCLS Chemical Classes: Alkoxylated Alcohols; Carbohydrates Functions: Hair Conditioning Agent; Skin-Conditioning Agent - Miscellaneous Ingredient Source: Synthetic Technical/Other Name: Polyoxypropylene (25) Methyl Glycose Ether

Reported Product Categories: Moisturizing Preparations; Eyeliners; Indoor Tanning Preparations	Function: Surfactant - Emulsifying Agent
Technical/Other Name: Polyoxypropylene Methyl Glucoside Distearate	Ingredient Sources: Plant; Synthetic Technical/Other Names: Polyoxyethylene (11) Polyoxypropylene (3) Myristyl Ether Polyoxypropylene (3) Polyoxyethylene (11) Myristyl Ether

PPG-20 METHYL GLUCOSE ETHER ACETATE**CTFA Monograph ID:** 2591**CN Translation:**
PPG-40 甲基葡萄糖乙酸酯**Definition:** PPG-20 Methyl Glucose Ether Acetate is the ester of PPG-20 Methyl Glucose Ether (q.v.) and acetic acid.**Chemical Classes:** Alkoxylated Alcohols; Carbohydrates; Esters**Function:** Skin-Conditioning Agent - Miscellaneous**Ingredient Source:** Synthetic**PPG-3-MYRETH-3****CTFA Monograph ID:** 2592**CAS No.:** 37311-04-9 (Generic)**CN Translation:**
PPG-3-肉豆蔻醇聚醚-3**Empirical Formula:** $\text{C}_{28}\text{H}_{60}\text{O}_7$ **Definition:** PPG-3-Myreth-3 is the polyoxypropylene, polyoxyethylene ether of myristyl alcohol that conforms generally to the formula:

where x has an average value of 3 and y has an average value of 3.

Information Source: TSCA**Chemical Class:** Alkoxylated Alcohols**Functions:** Skin-Conditioning Agent - Emollient; Surfactant - Emulsifying Agent**Ingredient Sources:** Plant; Synthetic**Technical/Other Names:**
Polyoxyethylene (3) Polyoxypropylene (3) Myristyl Ether Polyoxypropylene (3) Polyoxyethylene (3) Myristyl Ether**PPG-3 MYRISTYL ETHER****CTFA Monograph ID:** 2596**CAS Nos.:** 63793-60-2 (Generic); 74790-85-5**JPN Translation:**
P P G - 3 ミリストル**CN Translation:**
PPG-3 肉豆蔻基醚**Empirical Formula:**
 $\text{C}_{23}\text{H}_{48}\text{O}_4$ **Definition:** PPG-3 Myristyl Ether is the polypropylene glycol ether of myristyl alcohol that conforms to the formula:

where n has an average value of 3.

Information Sources: JCIC, JCLS, TSCA**Chemical Class:** Alkoxylated Alcohols**Function:** Skin-Conditioning Agent - Emollient**Ingredient Sources:** Plant; Synthetic**Reported Product Categories:** Deodorants (Underarm); Colognes and Toilet Waters; Personal Cleanliness Products, Misc.**Technical/Other Names:**Polyoxypropylene (3) Myristyl Ether
Polyoxypropylene Myristylether (3P.O.)
Polypropylene Glycol (3) Myristyl Ether
Tripropylene Glycol Myristyl Ether**Trade Names:**Acconon MA 3 (Abitec Corporation)
Jeecol PMA-3 (Jellice Co. LTD)
Procol PMA-3 (Protameen)
Promyristyl PM3 (Croda Chemicals)
Promyristyl PM-3 (Croda, Inc.)
Varonic APM (Degussa Care Specialties)**Trade Name Mixtures:**Dow Corning 2-8178 Gelant (Dow Corning)
Varisoft Clear (Degussa Care Specialties)**PPG-4 MYRISTYL ETHER****CTFA Monograph ID:** 2597

The inclusion of any compound in the Dictionary and Handbook does not indicate that use of that substance as a cosmetic ingredient complies with the laws and regulations governing such use in the United States or any other country.

070050.2534
(Patent)

EXHIBIT B

FULL PUBLIC REPORT**Hydroxylated Milk Glycerides****1. APPLICANT**

Bronson and Jacobs Pty. Ltd. Parkview Drive, Australia Centre, Homebush, NSW, 2140 has submitted a standard notification statement in support of their application for an assessment certificate for hydroxylated milk glycerides.

2. IDENTITY OF THE CHEMICAL

Based on the nature of the chemical and the data provided, hydroxylated milk glycerides, is not considered to be hazardous.

Chemical name: Hydroxylated milk glycerides

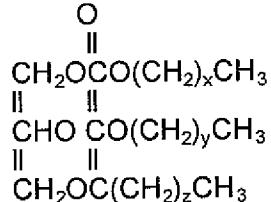
Chemical Abstracts Service (CAS) registry number: 144635-07-4

Other name: Hydroxylated glycerides

Trade name: Cremerol HMG

Molecular formula: The glyceride is a combination of short, medium and long chain fatty acids. The vast majority are long chain fatty acids, with carbon lengths of 16 (palmitic) and 18 (stearic) being the most abundant.

Structural formula: (General structure)



Molecular weight:

A complex mixture with a range of molecular weights. The EPA has calculated the molecular weights of palmitic ($x,y,z= 14$) and stearic ($x,y,z= 16$) to be 807 and 891 respectively.

File No: NA/329

Date: 12th January 1996

**NATIONAL INDUSTRIAL CHEMICALS NOTIFICATION
AND ASSESSMENT SCHEME**

FULL PUBLIC REPORT

Hydroxylated Milk Glycerides

This Assessment has been compiled in accordance with the provisions of *the Industrial Chemicals (Notification and Assessment) Act 1989*, and Regulations. This legislation is an Act of the Commonwealth of Australia. The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) is administered by Worksafe Australia which also conducts the occupational health & safety assessment. The assessment of environmental hazard is conducted by the Department of the Environment, Sport, and Territories and the assessment of public health is conducted by the Department of Human Services and Health.

For the purposes of subsection 78(1) of the Act, copies of this full public report may be inspected by the public at the Library, Worksafe Australia, 92-94 Parramatta Road, Camperdown NSW 2050, between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

For Enquiries please contact the Administration Coordinator at:

Street Address: 92 Parramatta Rd Camperdown, NSW 2050, AUSTRALIA

Postal Address: GPO Box 58, Sydney 2001, AUSTRALIA

Telephone: (61) (02) 565-9466 **FAX** (61) (02) 565-9465

Director
Chemicals Notification and Assessment

070050.2534
(Patent)

EXHIBIT C



Amerchol Products Functional Overview

KYTAMER™ PC

INCI Name: Chitosan PCA

Selected Physical Properties

1% aqueous solution viscosity: 100-300 cPs

pH of 1% aqueous solution: 3.5 – 5.5

Functional Contributions

- Substantive moisturizing fixative for hair care products
- Intensifies moisture content and improves manageability of hair
- Produces strong, flexible films
- Humectant
- Provides a smooth appearance to hair

[Resources](#)

[Online Support](#)

Site Navigation:



[Amerchol: Products Functional Overview:
KYTAMER™ PC](#)

Copyright © Union Carbide Corporation
(1995-2010). All Rights Reserved.

[Privacy Statement](#) | [Internet Disclaimer](#) | [Accessibility Statement](#)